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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,678	04/05/2001	Grant C. Paton	8580.00	3514

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EXAMINER

KESACK, DANIEL

ART UNIT PAPER NUMBER

3624

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/826,678		PATON, GRANT C.	
	Examiner		Art Unit	
	Dan Kesack		3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 10 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10, 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment filed May 2, 2006 has been entered and fully considered. Original claims 2-6, 10, amended claims 1, 8, and new claims 21-26 are currently pending. The rejections are as stated below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4, 8, 10, and 21-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. U.S. Patent No. 6,526,335 in view of Swaine, European Patent Application Publication 0 661 676 A1.

Amended claims 1 and 8, Treyz further teaches the added feature of transferring one or more computer programs from the transaction terminal to an in-car data entry facility maintained within the vehicle, which programs generate a user interface in the entry facility ("software" - column 50 lines 47-50, user interface, figure 9).

4. Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz and Swaine, as applied to claim 1 above, and further in view of Ramachandran, U.S. Patent No. 6,315,195, as cited in the prior action.

5. Claims 21-26 are rejection under 35 U.S.C. 103(a) as being unpatentable over Treyz et al., in view of Swaine.

Claims 21-26, Treyz teaches maintaining a wireless communication device within a vehicle, establishing a wireless communication between the wireless device and the ATM, transferring programs from the ATM to the device, generating an interface for the user. (column 50 lines 47-50, figure 9, column 45 lines 22-25, column 47 lines 7-16).

Treyz further teaches the device within the vehicle displaying content on a user interface for operating computer functions (figure 9), the interface having a keypad and a card reader (column 32 lines 25-27), conducting financial transactions with the device (column 47 lines 7-16), and entering a PIN for verification of identification (column 30 lines 54-57).

Treyz fails to teach positioning the vehicle near an ATM, identification being obtained from a card, and conducting the financial transaction using the interface.

Swaine teaches a remote control unit used to conduct ATM transactions, obtaining identification data from an ATM card, and positioning a vehicle near an ATM (column 4 lines 18-23, figures 6 and 7). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Treyz to include the input unit of Swaine because the unit is similar in form and function to the

display device of Treyz, and the invention of Treyz is taught as being used for ATM transactions.

Response to Arguments

6. Applicant's arguments filed May 2, 2006 have been fully considered but they are not persuasive.

7. In response to Applicant's argument that the rejection of claims 1 and 8 is improper because the cited references are contradictory, Examiner respectfully disagrees. Examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Treyz clearly teaches an input device capable of all the functions of the input device of the present invention, with a similar form and function, and further, the invention being used for conducting wireless transactions with an ATM, as cited in the previous Office Action. Treyz has been modified to include the *input device teachings* of Swaine. As such, the Swaine reference is not relied upon for wired/wireless teachings. The input device modification of Treyz has been made to clearly show the positioning of an automobile adjacent to an ATM, and to enhance the assertion that an input interface device, as taught by Treyz

can clearly be used to conduct the transaction with the ATM. The reasonable expectation of success is established by the fact that the two teachings are of similar form and function.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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